

REMARKS

This Amendment responds to the Office Action mailed October 1, 2004 in which the Examiner rejected Claims 1-33, 36, 37, 39-41, and 44-50 and objected to Claims 34, 35, 38, 42, and 43. By way of response, Applicant has amended Claims 1, 10, 15, 29, 34, 38, 42, 44, and 47. Applicant has canceled Claim 9. Applicant will address each of the rejections in the order presented in the Office Action.

SECTION 102 REJECTIONS

First, the Examiner has rejected Claims 1, 5, 8, 9, 11, 15, 21, 22, 44, and 46 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 2,363,639 (Brown). In response, Applicant has amended independent Claims 1, 15, and 44. Specifically, Applicant has further defined the claims to recite that the belt is stitched to the cover near the at least one location where the belt passes through the cover. In contrast, Brown does not disclose any stitching near the cover openings. The only stitching that Brown discloses for the belt is stitching 36 at the back of the life jacket. Furthermore, the drawstring is clearly set forth as being anchored at the back with stitching substantially in the center of the back portion (see col. 2, lines 40-49). Brown goes on to state that it is important for the stitching to be at this location only, such that the string can gather the vest around the wearer for a snug fit. Thus, it appears that the Brown patent specifically teaches away from an arrangement where the belt is stitched to the cover near the location where the belt passes through the cover. The other claims are rejected under this section depend from the independent claims amended. Therefore, Applicant submits that all of these claims define over the Brown reference.


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SECTION 103 REJECTIONS

The Examiner has rejected Claims 2, 3, 16, 17, 26-28, 45, 47, and 50 under 35 U.S.C. § 103(a) as being unpatentable over Brown in view of U.S. Patent No. 6,235,661 (Khanamirian). The Examiner cites Khanamirian for the teaching of a stretchable neoprene cover.

For the reasons discussed above with regard to the §102(b) rejections, Applicant submits that these claims are patentable over Brown and Khanamirian considering the amendments to the independent claims and the consistent claim language in Claim 26 discussing the belt passing from the inside to the outside through the cover at a first location near the first lateral edge.

Likewise, the Examiner has rejected Claims 4 and 18 under § 103 stating that it would have been an obvious choice of engineering design to have made the belt of nylon webbing. For the same reasons discussed above, these claims, which depend from amended independent claims, are allowable over the Brown reference.

The Examiner has rejected Claims 6, 7, 10, 12-14, 19, 20, and 23-25 under § 103 as being unpatentable over Brown in view of Publication No. U.S. 2003/0124925 A1 (Steger et al.). The Examiner cites Steger as teaching a belt stitched in multiple places near ends with a bar tack.

Applicant submits that these claims are allowable in view of the Amendments and remarks set forth above. Further, note that Steger et al. does not disclose a belt that passes from the inside to the outside of a cover. Although Steger discloses bar tacks, there are no bar tacks near any belt passage through a cover. Furthermore, note again the fact that Brown teaches away from having a belt that passes within a cover that is also stitched near the cover openings.

The Examiner has rejected Claims 29-33, 36, 37, 39-41, 48, and 49 under § 103(a) as being unpatentable over Brown and Khanamirian further in view of Steger et al. This rejection is similar to those above combining Khanamirian for the teaching of a stretchable fabric. Likewise, these references are overcome by the amended claims and arguments set forth above.

ALLOWABLE CLAIMS

Applicant thanks the Examiner for his indication that Claims 34, 35, 38, 42, and 43 would be allowable if rewritten in independent form. Note that Applicant has amended Claims 34, 38, and 42 to place them in independent form as suggested. Claims 35 and 43 depend from Claims 34 and 42, respectively and thus are also allowable.

CONCLUSION

Based on the remarks and amendments set forth herein, Applicant submits that all claims define over the prior art of record and request an early Notice of Allowance. If any further questions remain, Examiner is invited to telephone Applicant's attorney at the number listed below.

Respectfully submitted,

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MAIL CERTIFICATE

I hereby certify that this communication is being deposited with the United States Postal Service via first class mail under 37 C.F.R. § 1.08 on the date indicated below addressed to: **MAIL STOP AMENDMENT**, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

12/29/04
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Michelle J. Carman

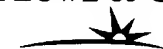
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